

UNITED STATES DISTRICT COURT
Central District of California

BILL OF COSTS HANDBOOK
(last revised July 1, 2016)

Procedural Information

This handbook has been prepared to assist parties in properly completing and filing an Application to the Clerk to Tax Costs. (Local Rule 54-1 et seq.)

The prevailing party is entitled to reasonable costs incurred during the proceedings. No costs are allowed unless a party qualifies as, or is determined by the Court to be, the prevailing party. (Local Rule 54-1.)

Applications to the Clerk to Tax Costs are reviewed by the Clerk's designees and not the assigned district or magistrate judge. The Clerk's designees for all Divisions (Western Division - Los Angeles, Southern Division - Santa Ana, and Eastern Division - Riverside) are staff in the Legal Services Unit.

Within 14 days after the entry of judgment, the party entitled to costs shall file and serve, in accordance with L.Rs. 5-3 and 5-4.1, a completed Form [CV-59](#) "Application to the Clerk to Tax Costs." Unless exempted from electronic filing pursuant to L.R. 5-4.2, the completed Form CV-59 must be e-filed using the Court's CM/ECF system. Use the event titled "Clerk to Tax Costs (CV-59)" to e-file the application. (After logging in to CM/ECF, click "Civil" on the blue menu bar at the top of every screen, then click "Applications" under "Motions and Related Filings." Enter your case number and confirm you've selected the correct case, then choose "Clerk to Tax Costs (CV-59)" from the list of available events.)

All costs shall be specified on Form CV-59 so that the nature of the claim can be readily understood. Each item that is claimed in the application must be separately itemized. **Documentation of the actual expenses—such as copies of receipts, returned checks, bills, and court orders— must be attached as exhibits to the application.**

No hearing on the application will be held unless the Clerk emails the parties notifying them that a hearing will be held.

The prevailing party or attorney having knowledge of the facts shall complete the Declaration portion of the application, verifying that the items claimed as costs are correct, the costs have been necessarily incurred in the case, and the services for which fees have been charged were actually and necessarily performed.

Any party may file and serve written objections to any item specified within 7 days after service of an Application to the Clerk to Tax Costs under L.R. 54-2.1. The grounds for the objection must be specifically stated and must identify the document number and page number to which the objection corresponds. **No verbal objections will be considered.** A written reply to objections shall be filed within 3 days after service of an objection under L.R. 54-2.2. The reply must also identify the relevant document number and page number.

The mandatory chambers copy required by Local Rule 5-4.5 shall, for all Applications to the Clerk to Tax Costs and related objections, replies, and other documents, be delivered to the Legal Services Unit at the address below, rather than to the chambers of the assigned District Judge or Magistrate Judge:

United States District Court
Legal Services Unit
Attn: BOC
312 N. Spring Street, Room 1027
Los Angeles, CA 90012

Ex parte communication is not permitted. Communication regarding Applications to the Clerk to Tax Costs should be exclusively by email, and opposing counsel must be copied.

After considering any objections, replies, or other documents related to the Application to the Clerk to Tax Costs, the Clerk's designee shall tax costs. The decision will be final unless modified by the Court upon review. As soon as practicable after a determination of recoverable costs is made, the Bill of Costs will be filed electronically by the Clerk.

Review of the Clerk's decision by the Court can be obtained. To do so, file and serve a motion to re-tax costs within 7 days of entry of the Clerk's decision. (To e-file a motion to re-tax costs, use the "Re-Tax Costs" event under "Civil Events" => "Motions and Related Filings" => "Motions.") The review will be limited to the record made before the Clerk and will encompass only those items specifically identified in the motion. (Local Rule 54-8.)

- For questions, please contact Cost_BillsLA@cacd.uscourts.gov.
- For inquiries regarding CM/ECF technical support, please contact the Helpdesk at 213-894-0242.

Other Information

Pro hac vice fees are not recoverable as taxable costs.

Fees for reporter's transcripts, including the cost of the original transcript and one copy of all or any part of a trial transcript, a daily transcript or a transcript of matters occurring before or after trial, are recoverable as taxable costs **if requested by the Court or prepared pursuant to stipulation.**

The costs of the original deposition and one copy used for any purpose in connection with the case are recoverable as taxable costs, but not the cost of videotaped or recorded depositions **unless ordered by the Court.**

The reasonable fees of a deposition reporter, including reporter fees when a deponent fails to appear at a scheduled deposition, the notary, and any other persons required to report or transcribe the deposition are recoverable as taxable costs, but not the costs of video or audio technicians **unless otherwise ordered by the Court.** Expedited rates are not allowable unless ordered by the Court.

Witness fees paid to witnesses as attendance fees are recoverable as taxable costs in the amount of \$40.00 per day.

The following items are recoverable as taxable costs upon **order of the Court:**

1. Summaries, computations, polls, surveys, statistical comparisons, maps, charts, diagrams, and other visual aids reasonably necessary to assist the jury or the Court in understanding the issues at trial;
2. Photographs, if admitted in evidence or attached to documents necessarily filed and served upon the opposing party; and

3. The cost of models.

Costs incurred in state court prior to removal that are recoverable under state statutes are recoverable as taxable costs.

Costs on appeal that are taxable in the District Court shall be governed by F.R.App.P.39(e). Such Applications to the Clerk to Tax Costs are to be filed no later than 28 days after the date the mandate or judgment was issued by the Court of Appeal.

Applications for costs on a bankruptcy appeal decided in the District Court are to be filed within 14 days of the entered date of the order deciding a bankruptcy appeal. Taxable costs will be as provided for in Rule 8014 of the Federal Rules of Bankruptcy Procedure. To recover the costs of printing or otherwise reproducing briefs or excerpts of the record, a statement by counsel that the cost is no higher than is generally charged for such reproduction in the local area and that no more copies were reproduced than were actually necessary shall be required. No Clerk's fees not actually paid shall be recoverable.

Writs of Execution

Upon request, when presented with the following, the Clerk will issue a Writ of Execution (Local Rule 54-9) to recover attorney's fees awarded by the Court following a judgment and any separate award of costs by the Clerk:

1. A certified copy of the final judgment and separate Bill of Costs and, if appropriate, a certified copy of the order awarding attorney's fees; or
2. A mandate of the Court of Appeals to recover costs taxed by the Appellate Court.

See [How to obtain a Writ of Execution](#)

Attorney's Fees

Any motion or application for attorney's fees shall be served and filed within 14 days after the entry of judgment or other final order, unless otherwise ordered by the Court. The motions are heard only by the judge assigned to the case and must be filed separately from the Bill of Costs application. (See Local Rule 7-2 et seq.)